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ORIGINAL

FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

JUL 03 2007

at 2 o'clock and 40 min.  
SUE BEITIA, CLERK

Attorney for Plaintiff

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

RAYMOND WARE,

Plaintiff,

vs.

MICHAEL CHERTOFF, Secretary,  
Department of Homeland Security;  
JOHN DOES 2-5,

Defendants.

) CIVIL NO. 04-00671 HG/LEK  
) **CERTIFICATE OF SERVICE RE:**  
) **PLAINTIFF WARE'S CONCISE**  
) **STATEMENT OF FACTS IN**  
) **OPPOSITION TO DEFENDANT'S**  
) **SECOND MOTION FOR**  
) **DISMISSAL AND SUMMARY**  
) **JUDGMENT; DECLARATION OF**  
) **WARE, EXHIBITS 1-14, 16-18;**  
) **DECLARATION OF COUNSEL;**  
) **EXHIBITS 19-23; PLAINTIFF'S**  
) **THIRD DECLARATION;**  
) **DECLARATION OF MILAGROS**  
) **DRAKE; DECLARATION OF**  
) **ALLEN WILLEY; SECOND**  
) **DECLARATION OF COUNSEL,**  
) **EXHIBITS 24-32; (25, 27 & 28**  
) **Under Seal)**

) **DATE: July 23, 2007**

) **TIME: 10:30 a.m.**

) **JUDGE: Hon. Helen Gillmor**

CERTIFICATE OF SERVICE

I hereby certify that a copy of the PLAINTIFF WARE'S CONCISE STATEMENT OF FACTS IN OPPOSITION TO DEFENDANT'S SECOND MOTION FOR DISMISSAL AND SUMMARY JUDGMENT; DECLARATION OF WARE, EXHIBITS 1-14, 16-18; DECLARATION OF COUNSEL; EXHIBITS 19-23; PLAINTIFF'S THIRD DECLARATION; DECLARATION OF MILAGROS DRAKE; DECLARATION OF ALLEN WILLEY; SECOND DECLARATION OF COUNSEL, EXHIBITS 24-32; (25, 27 & 28 Under Seal) were duly served upon the following parties at their last known addresses by means of hand delivery on July 3, 2007.

EDWARD H. KUBO, JR., ESQ.  
U.S. Attorney  
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DATED: Honolulu, Hawaii, 7-3-07.

ASEB  
DAPHNE E. BARBEE  
Attorney for Plaintiff